

Decision 06-07-037 July 20, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern
California Gas Company for Authority
Pursuant to Pub. Util. Code § 851 to Sell
Certain Real Property in Playa del Rey,
California. (U 904 G)

Application 99-05-029
(Filed May 12, 1999)

**ORDER DISMISSING APPLICATION FOR REHEARING OF
DECISION 06-04-032
OF THE GRASSROOTS COALITION**

In D.06-04-032, (Decision), we approved the Southern California Gas Company's (SoCalGas') sale of certain lots at Playa Del Rey and Marina Del Rey, pursuant to Public Utilities Code section 851.¹ The Decision was issued by mail on April 17, 2006.

On May 17, 2006 the Grassroots Coalition filed an untimely application for rehearing (Application).² Applications for rehearing of decisions issued pursuant to Public Utilities Code section 851 must be filed within ten days of the decision's issuance. Rule 85 of the Commission's Rules of Practice and Procedure requires that an application be filed, "within 10 days of issuance in the case of an order relating to security transactions and the transfer or encumbrance of utility property." (Cal. Code Regs., tit. 20, § 85.) In this case, to be timely an application for rehearing must have been filed on or before April 27, 2006.

¹ We granted advance approval for the sale of undeveloped lots, and we granted prospective approval for the transfer of lots already sold, consistent with D.03-06-069.

² SoCalGas and a purchaser, Paragon Communities, Inc. (Paragon), filed Responses. Among other things, these parties claim that the Application was not timely filed.

Moreover, Public Utilities Code, section 1731, provides, in pertinent part:

No cause of action arising out of any order of the Commission shall accrue in any court to any corporation or person unless the corporation or person has filed an application to the commission for a rehearing within 30 days after the date of issuance or within 10 days after the date of issuance in the case of an order issued pursuant to ... Article 6 (commencing with section 851) of Chapter 4 relating to ... the transfer or encumbrance of utility property.

Two of the interested parties to this proceeding, SoCalGas and Paragon, protested the untimely filing of the Application. We assume that these two parties entered into or consummated real estate transactions in reliance on the finality of the Decision. Accordingly, the Application should be dismissed for failure to meet the filing requirements set out in the Public Utilities Code and our Rules of Practice and Procedure.

THEREFORE, IT IS ORDERED that:

1. The Application for Rehearing of D.06-04-032 untimely filed by the Grassroots Coalition is dismissed.
2. Application 99-05-029 is closed.

This order is effective today.

Dated July 20, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners